

30.01.2024
SL No. 456
Ct No. 29
SB

C.R.M. (A) 5173 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur P.S. Case No. 214 of 2023 dated 18.05.2023 under Section 21(c)/22(c)/23(c)/28/29 of the NDPS Act.

And

In the matter of: Mridul Ghosh

Mr. Busra Khatoon

...for the Petitioner

Mr. Saibal Bapuli

Ms. Manasi Roy

...for the State

Police filed charge sheet.

Apparently Police are proceeding on the basis of the statement of the co-accused made while in custody.

At this stage Police are unable to show any nexus between the petitioner and the person arrested with the commercial quantity of narcotics and / or the seized commercial quantity of narcotics.

In such circumstances we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Considering this, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall report before the Investigating Officer once a month till the conclusion of the

investigation. The petitioner shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)